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February 28, 1997

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554


Re: In the matter of
Closed Captioning and Video Description of Programming
Implementation of Section 305 of the Telecommunications
Act of 1996
Video Programming Accessibility
MM Docket No. 95-176

Dear Mr. Caton:

Enclosed for filing is an original and nine copies of the following:

1. Reply Comments of the City of Lincoln Park, Michigan Cable Commission in the Notice of Proposed Rulemaking.
- ✓ 2. Reply Comments of DATV, Dayton Access Television, in the Notice of Proposed Rulemaking

Very truly yours,



Neil J. Lehto

NJL:rb
Enclosures

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington D.C. 20554

In the Matter of

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the Telecommunications Act of 1996

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Video Programming Accessibility

REPLY
COMMENTS OF DATV IN THE
NOTICE OF PROPOSED RULEMAKING

DATV respectfully submits the following comments in response to the Notice of Proposed Rulemaking, in the above proceeding, released January 17, 1997 ("NPRM"). The Commission seeks to issue rules implementing Section 713 of the 1996 Communications Act.

DATV is a member of the Alliance for Community Media, a national membership organization connected with public, educational and governmental ("PEG") access on cable television systems. PEG centers throughout the nation produce more than 20,000 hours of original programming per week; this is more than CBS, NBC, ABC and PBS combined.

PEG access centers would welcome the opportunity to present programming accessible to blind and deaf audiences. We believe that cable operators, the U.S. Department of Education, other governmental entities, or private funds and foundations may provide an appropriate source for funding. However, requiring PEG access centers to shoulder the financial and administrative burden of providing or requiring that every program be closed-captioned would mean the end of PEG access for deaf and non-deaf viewers alike. DATV urges the Commission to exempt PEG access centers from any blanket-captioning requirements, or, in the alternative, to identify and provide for alternate funding sources to allow some PEG programming to be made available to deaf audiences.

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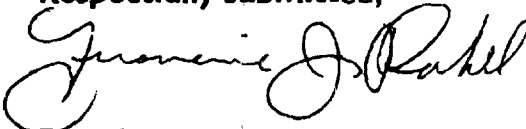
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Both cost and the unique nature of public access programming prevent PEG centers from regularly providing closed captioning services. DATV's total budget for 1997 is \$438,000., which covers all salaries, administrative and operational expenses, and other overhead costs. The Commission has suggested that closed-captioning a program may be conservatively priced at \$2,500. per program hour. If closed-captioning were required, DATV could caption only 175.2 hours of programming per year (about a week's worth of programming), with no funds left over for salaries, equipment or expenses.

Moreover, PEG centers generally do not produce their own programming; instead, program producers are usually either individuals or small non-profit organizations working with volunteer personnel. Placing responsibility for closed-captioning on access program producers is not realistic. Requiring, for example, public high schools' educational access distance learning-GED programs to close-caption could cause most school districts to cease offering these programs entirely. Requiring that PEG volunteer producers close-caption their programming at their own expense would contradict the purpose of PEG access, converting free access into access at \$2,500. per hour.

We strongly support the rights of deaf viewers to have access to PEG access programming. However, we must ask the Commission to require captioning only when outside funding sources make such captioning financially possible.

Respectfully submitted,



Francine J. Rakel
DATV Executive Director

2-27-97



NEIL J. LEHTO, Attorney

2/28/97